



Tasmanian
Government

Director's Determination - Riverine Inundation Hazard Areas

I, Peter John Graham, in my capacity as Director of Building Control, and acting pursuant to section 20(1)(c) of the *Building Act 2016* and regulation 51 of the *Building Regulations 2016*, hereby make the following Determination.

Title	Director's Determination - Riverine Inundation Hazard Areas
Description	This Determination specifies requirements for building or demolition work in riverine inundation hazard areas.
Version	1.1
Application	<p>For the purposes of section 20(3)(b) of the Act, this Determination applies from 12 April 2021 until its revocation.</p> <p>This Determination applies in respect of a municipal area when:</p> <ul style="list-style-type: none">(a) the State Planning Provisions come into effect as part of the Tasmanian Planning Scheme in accordance with section 29(2) of the <i>Land Use Planning and Approvals Act 1993</i>; and(b) the State Planning Provisions come into effect in respect of that municipal area in accordance with section 30(2) of the <i>Land Use Planning and Approvals Act 1993</i>.
Previous determination	The Director's Determination – Riverine Inundation Hazard Areas 1.0 dated 6 February 2020 ceases to have effect from the date of application of this Determination.
Date of Director's approval	8 April 2021

Peter John Graham

Director of Building Control

Consumer, Building and Occupational Services

Department of Justice

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Document Development History

Version	Application Date	Sections amended
1.1	12 April 2021	Consequential amendments to references in Schedule 1 following the 2021 update to the Director's Determination – Categories of Building and Demolition Work VI.4.
1.0	6 February 2020	Original release

Division I – Interpretation

1 Short title

This Determination may be cited as the Director's Determination - Riverine Inundation Hazard Areas.

2 Application of Determination

For the avoidance of doubt, nothing in this Determination affects the operation of clause 3 of Schedule 6 of the *Building Regulations 2016* as it relates to savings and transitional provisions in place for hazardous areas.

3 Interpretation

- (1) The *Acts Interpretations Act 1931* applies to the interpretation of this Determination as if it were by-laws.
- (2) A term that is defined in the *Building Act 2016* or the *Building Regulations 2016*, unless the contrary intention appears, has the same meaning in this Determination.
- (3) A term that is defined in the *Director's Determination – Categories of Building and Demolition Work*, unless the contrary intention appears, has the same meaning in Schedule I of this Determination.

- (4) In this Determination:

Director's Determination – Categories of Building and Demolition Work means the Determination made by the Director of Building Control entitled *Director's Determination – Categories of Building and Demolition Work*, as amended or substituted from time to time;

- (5) For the purposes of regulation 50(1)(a)(i) of the *Building Regulations 2016* the relevant gross floor area for additions and alterations is set out below:

Hazard band	Measurement
Land subject to riverine inundation	20 square metres

- (6) The relevant gross floor area for additions and alterations is measured cumulatively for any three year period from the date this Determination commences.

4 Interpretation of National Construction Code

For the purposes of Schedule 3 of Volumes One and Two of the National Construction Code, the definitions of defined flood event, defined flood level, flood hazard area and freeboard are omitted and substituted with the following definitions:

Defined flood event means a flood event that causes flooding to the defined flood level;

Defined flood level has the same meaning as in clause 5 of this Determination;

Flood hazard area means land subject to riverine inundation;

Freeboard means a height of not less than 300mm above the defined flood level.

Division 2 – Work on Land Subject to Riverine Inundation

I Application

- (1) Unless otherwise specified, the requirements of this Division apply to:
 - (a) permit building work;
 - (b) permit demolition work; or
 - (c) building work or demolition work specified in Schedule I of this Determination; performed, or proposed to be performed, on land subject to riverine inundation.
- (2) Notwithstanding the *Director's Determination – Categories of Building and Demolition Work*, for the purposes of regulation 51(2)(c) of the *Building Regulations 2016*, building work or demolition work specified in Schedule I of this Determination, if performed, or proposed to be performed, on land subject to riverine inundation is work to which Part 5 of the *Building Regulations 2016* applies.
- (3) Notwithstanding the *Director's Determination – Categories of Building and Demolition Work*, building work or demolition work specified in Schedule I of this Determination, if performed, or proposed to be performed, on land subject to riverine inundation is categorised as notifiable work, provided that it would not otherwise be categorised as permit work.

2 Work on land subject to riverine inundation

- (1) For the purposes of regulation 54(2) of the *Building Regulations 2016*, the defined flood levels are:
 - (a) in relation to the floodplains of the following watercourses, the level which has a 1% probability of being exceeded in any year:
 - (i) the Derwent River through New Norfolk;
 - (ii) the upper reaches of the Tamar River and the lower reaches of the North Esk River;
 - (iii) the Huon River at Huonville and Mountain River;
 - (iv) the South Esk River through Perth and Longford to the Tamar River;
 - (v) the Jordan River below Pontville;
 - (vi) the Mersey River through Latrobe;
 - (vii) the Bagdad Rivulet;
 - (viii) the Elizabeth River through Campbell Town;
 - (ix) the Meander River through Deloraine;
 - (x) the Macquarie River through Ross;
 - (xi) the Coal River through Richmond;
 - (b) in relation to the floodplains of any other watercourses, the level which has a 1% probability of being exceeded in any year according to a report adopted by the relevant council for the municipal area in which the land is located; or

- (c) in any other cases, the higher of the following:
 - (i) 600 millimetres above ground level;
 - (ii) the highest known flood level.

SCHEDULE I – Building Work and Demolition Work with Limitations**Interpretation of table**

- (1) For the purposes of this Determination, the limitations specified in column 2 apply to the corresponding building work or demolition work in column 1.

	Column 1	Column 2
Reference *	Building work or demolition work	Limitations
	Class 1 residential buildings	
3.0.1	New residence, alterations, additions	Except where regulation 50(1)(a)(i) of the <i>Building Regulations 2016</i> (relating to gross floor area) applies.
	Outdoor structures (Class 10)	
1.3.1 1.3.2 2.3.1 2.4.1 2.4.2 3.4.1	Shed, garage, carport or similar (prefabricated or non-prefabricated)	
	Farm sheds (Classes 7, 8 or 10) related to farming or horticultural activities	
1.4.1 3.4.1	Farm shed	
	Commercial buildings and associated Class 10b alterations and additions	
3.3.1	Additions to existing commercial buildings	Except where regulation 50(1)(a)(i) of the <i>Building Regulations 2016</i> (relating to gross floor area) applies.
	Construction or demolition of commercial buildings for energy generation or telecommunications structures	
3.6.1	Construction or demolition of buildings for production or transmission of energy and associated infrastructure, including: <ul style="list-style-type: none"> • Electrical control buildings and substations • Wind turbines support structures over 6m in height 	If owned or operated by an electricity supply business or a public or other authority.

	Column 1	Column 2
Reference *	Building work or demolition work	Limitations
	<ul style="list-style-type: none">• Electrical or gas generation plant and power stations	

*Indicative reference number refers to Director's Determination – Categories of Building and Demolition Work

Explanatory notes

These notes are not part of the Determination

- I. This Determination should be read in conjunction with the following:
 - (a) *Building Act 2016*
 - (b) *Building Regulations 2016*
 - (c) Tasmanian Planning Scheme – Flood-Prone Areas Hazard Code available at www.iplan.tas.gov.au
2. Clause 3 of Schedule 6 of the *Building Regulations 2016* specifies savings and transitional provisions relating to hazardous areas, and in particular that Part 5 of the regulations do not come into force in respect of a municipal area until the State Planning Provisions of the Tasmanian Planning Scheme come into effect in respect of that municipal area.
3. For the purposes of consultation under section 20(2) of the Act, the Tasmanian Planning Commission and the Office of Security and Emergency Management of the Department of Premier and Cabinet are organisations and stakeholders relevant to the content of this Determination.